

TREE PRESERVATION POLICY AND PROCEDURES

August, 2004

The following language has been prepared by staff to clarify both the intent and application of Planning & Design Services' tree preservation policy.

Intent

Tree preservation measures should address three objectives: permanent protection for existing trees/tree masses that have been designated to meet the Tree Canopy requirements of Chapter 10 Part 1; permanent protection for existing trees/tree masses that are required to be preserved by binding element; and temporary protection during development of infrastructure to allow individual property owners the opportunity to incorporate existing trees into their building sites. To differentiate between these three intents, the following three designations are in effect and are described in this policy:

**Tree Canopy Protection Area (TCPA)
Woodland Protection Area (WPA)
Tree Preservation Area (TPA)**

For the purposes of this policy, "development plans" refers to preliminary subdivisions, general or detailed plans, conditional uses, and rezonings.

TREE CANOPY PROTECTION AREA (TCPA)**Description:**

Tree Canopy Protection Areas (TCPAs) are individual trees and/or groupings of trees (trees may be existing or proposed) designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code (LDC), and to be **permanently protected***. TCPAs shall be clearly designated on approved development plans by location.

No structures shall be closer than 15 feet to the Limit of Disturbance (Tree Protection Fence) protecting a TCPA. No vehicle use area (VUA) shall be closer than 10 feet to the Limit of Disturbance (Tree Protection Fence) protecting a TCPA.

As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development plan.

****Exception:*** *Individual trees that are designated as TCPAs on individually owned lots within single-family residential subdivision developments may be removed as long as each removed tree is replaced with another tree of a similar type (e.g. A, B or C) elsewhere on that lot.*

Requirements:

All development plans showing TCPAs to seek credit for preservation of existing trees to meet tree canopy requirements shall submit and receive approval of a tree preservation plan in accordance with section 10.1.6 of the LDC prior to issuance of any site disturbance permit, and shall contain the following information and notes:

Information:

1. Proposed site plan showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
3. Location of all existing trees/tree masses existing on the site (aerial photos or LOJIC maps are acceptable data sources), and delineation of those to be preserved in TCPAs.
4. Location of tree protection fencing for each tree/tree mass designated to be protected. Dimension lines shall be provided to establish the general location of tree protection fencing.

Notes:

1. Tree Canopy Protection Areas (TCPAs) identified on this plan represent individual trees and/or portions of the site designated to meet the Tree Canopy requirements of Chapter 10 Part 1 of the Land Development Code and are to be permanently protected. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. As trees within TCPAs are lost through natural causes, new trees shall be planted in order to maintain minimum tree canopy as specified on the approved development or preliminary subdivision plan.

2. Dimension lines have been used on this plan to establish the general location of TCPAs and represent minimum distances. The final boundary for each TCPA shall be established in the field to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected adjacent to all TCPAs prior to Site Disturbance Approval to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
4. No parking, material storage or construction activities are permitted within the TCPAs.
5. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved tree preservation plan shall be on site.

TREE PRESERVATION AREA (TPA)

Description:

Tree preservation areas (TPAs) represent those portions of the site to be left undisturbed during development of roadways, utilities and similar infrastructure. TPAs are not permanent preservation areas; clearing, grading and/or removal of trees in TPAs is allowed at the time of individual building or home construction.

Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff **if** the changes are in keeping with the intent of the approved tree preservation plan.

Trees designated as TPAs only shall not be eligible to count towards Tree Canopy requirements for a development site.

Requirements:

All development plans showing TPAs shall submit and receive approval for a tree preservation plan in accordance with Chapter 10 Part 4 of the LDC prior to issuance of any site disturbance permit, and shall contain the following information and notes:

Information:

1. Proposed site plan showing buildings, edges of pavement, property/lot lines, easements, existing and proposed contours,

and other significant site features (LOJIC topographic information is acceptable).

2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
3. Location of all existing trees/tree masses existing on the site (as shown by aerial photos or LOJIC maps are acceptable data sources).
4. Location of tree protection fencing for each tree/tree mass designated to be preserved. Dimension lines shall be provided to establish the general location of tree protection fencing.

Notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Trees in these areas may be removed during construction of homes or buildings on this site.
2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected adjacent to all TPAs prior to Site Disturbance Approval (Clearing and Grading Permit) to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both TCPAs/WPAs and TPAs fencing shall only be required at the outer most perimeter of that tree mass.
4. No parking, material storage or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.

5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed twelve (12) feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at breast height (DBH) shall be removed without prior approval by DPDS.

If TPAs are not shown on the development plan, the following condition of approval/binding element shall be attached to the plan:

6. The applicant shall identify and submit for approval by designated Division of Planning and Design Services (DPDS) staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e., clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigations. All Tree Preservation Plans must be prepared in accordance with the standards set forth by DPDS.

WOODLAND PROTECTION AREA (WPA)

Description:

Woodland Protection Areas (WPAs) are treed portions of the site designated as part of the development approval process to be permanently protected either in a natural state or following selective removal of understory brush and/or trees as determined at the time of approval. WPAs shall be designated on approved development plans by location and described in associated notes, binding elements, or conditions of approval by general character (left natural, only trees below 2" caliper may be removed, etc.).

WPAs may also be used to count toward Tree Canopy requirements for a development.

No clearing, grading or other land disturbing activity shall take place in WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. Additional activities within WPAs such as utility installation, fence construction, walks, or supplemental planting shall be determined at time of approval and/or described in notes, conditions or approval and/or binding elements on the plan.

No structure may be closer than 15 feet to the Limit of Disturbance (tree protection fence) protecting a WPA. No vehicle use area (VUA) may be closer than 10 feet to the Limit of Disturbance (tree protection fence) protecting a WPA.

WPAs will generally be protected by easement or other mechanism shown on the approved development plan or described in binding elements/conditions of approval for a development plan. Subdivision deeds of restriction are used as one tool to inform future property owners of clearing restrictions.

Modification of Woodland Protection Areas shown on approved development plans may not be approved without notification of adjoining property owners and LD&T action.

Requirements:

All development plans showing WPAs shall submit and receive approval for a tree preservation plan in accordance with section 10.1.6 of the LDC prior to issuance of any site disturbance permit, and shall contain the following information and notes:

Information:

1. Proposed site plan showing buildings, edges of pavement, property/lot lines, easements, existing topography, and other significant site features (LOJIC topographic information is acceptable).
2. Preliminary drainage considerations (retention/detention, ditches/large swales, etc.).
3. Location of all existing tree/tree masses existing on the site (aerial photos or LOJIC maps are acceptable data sources), and delineation of those to be preserved in WPAs.
Location of tree protection fencing for each tree/tree mass designated to be protected. Dimension lines shall be provided to establish the general location of tree protection fencing.

4. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with the binding elements/conditions of approval and/or the approved development plan. The form of such restrictions shall be approved by Planning Commission counsel.

Notes:

1. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which all existing vegetation shall be permanently preserved. All clearing, grading and fill activity in these areas must be in keeping with restrictions established at the time of plan approval. No further clearing, grading, construction or other land disturbing activity shall take place beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat.
2. Dimension lines have been used on this plan to establish the general location of WPAs and represent minimum distances. The final boundary for each WPA shall be established in the field to include canopy area of all trees at or within the dimension line.
3. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval (Clearing and Grading) to protect the existing tree stands and their root systems. The fencing shall be located at least three (93) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
4. No parking, material storage or construction activities are permitted within the WPAs.
5. During all construction activity (includes clearing, grading, building construction and VUA construction) a copy of the approved tree preservation plan shall be on site.
6. The site shall be developed in accordance with the Woodland Protection Areas delineated on the site plan and related notes. Any modification of the Woodland Protection Areas requires notification of adjoining property owners and LD&T action.